

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EDWARD O'FINNEGAN,

Plaintiff,

vs.

CIVIL NO. 10-965 WJ/LFG

CAPITAL ONE AUTO FINANCE,

Defendant.

INITIAL SCHEDULING ORDER

This cause is assigned to me for scheduling, case management, discovery and all non-dispositive motions. The Federal Rules of Civil Procedure, as amended in 2000, as well as the local rules of the Court shall apply to this lawsuit.

The parties, appearing through counsel or *pro se*, shall "meet and confer" no later than JANUARY 6, 2011 to formulate a provisional discovery plan. Fed. R. Civil. P. 26(f). The time allowed for discovery is generally 120 to 150 days. The parties will cooperate in preparing a *Joint Status Report and Provisional Discovery Plan ("JSR")*, which follows the sample JSR available at the Court's web site.¹ The blanks for suggested/proposed dates are to be filled in by the parties. Actual case management dates will be determined by the Court after consideration of the parties' requests. Plaintiff, or Defendant in removed cases, is responsible for filing the JSR by JANUARY 18, 2011.

Parties may not modify case management deadlines on their own. Good cause must be shown and the Court's express and written approval obtained for any modification of the dates in the

¹Pursuant to Administrative Order No. 06-173, the JSR replaces and supersedes the Provisional Discovery Plan and the Initial Pretrial Report, effective January 2, 2007. Please visit the Court's web site, www.nmcourt.fed.us to download the standardized *Joint Status Report and Provisional Discovery Plan* form.

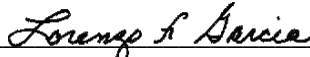
Scheduling Order that issues from the JSR.

Initial disclosures under Fed. R. Civ. P. 26(a)(1) shall be made within fourteen days of the meet-and-confer session.

A Rule 16 scheduling conference will be conducted in my chambers, Suite 680, 333 Lomas Blvd., N.W., Albuquerque, New Mexico on **FRIDAY, JANUARY 21, 2011**, at **10:00**.²

At the Rule 16 scheduling conference, counsel shall be prepared to discuss discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a Daubert³ hearing is needed, initial disclosures, and the timing of expert disclosures and reports under Fed. R. Civ. P. 26(a)(2). We will also discuss settlement prospects and alternative dispute resolution possibilities. Client participation is not required.

Pretrial practice in this cause shall be in accordance with the foregoing.



LORENZO F. GARCIA
United States Magistrate Judge
333 Lomas Blvd., Suite 680
Albuquerque, NM 87102
505-348-2320 (FAX 348-2324)

²Out-of-town counsel may appear by telephone. Please advise my chambers at least 24 hours prior to the scheduling conference if any counsel will appear by telephone. This office will initiate the call to counsel at the time of the conference.

³ Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579, 113 S. Ct. 2786 (1993).